



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

**STATE OF NEVADA**  
Department of Conservation & Natural Resources

Joe Lombardo, *Governor*  
James A. Settelmeyer, *Director*  
Jennifer L. Carr, *Administrator*

February 7, 2024

Fortunato Villamagna  
Comstock Metals Corporation  
600 Lake Avenue  
Silver Springs, NV 89429

RE: Comstock Metals Corporation SW1842  
Application for Material Recovery Facility – Conditional Approval

Dear Fortunato Villamagna:

The Division of Environmental Protection – Bureau of Sustainable Materials Management (NDEP-BSMM) has reviewed the **Comstock Metals Corporation (Comstock)** application, initially dated August 2023, with final revision dated January 2024, requesting approval for a Materials Recovery Facility (MRF) for the processing of waste photovoltaic and solar panels (waste panels) per Nevada Administrative Code (NAC) 444.7474.

The Comstock waste solar panel processing facility qualifies as an MRF under NAC 444.7474 and is hereby granted a conditional *Approval (Approval)* in accordance with NAC 444.74743. Please be advised that the NDEP-BSMM is soliciting written and verbal comments regarding the facility for a period of 30 days, concluding on March 7, 2024. Based on the comments received during that time, this *Approval* may be subject to additional requirements or revocation.

Please be advised that this *Approval* is limited to the processing of photovoltaic and solar panels as described in the application and have been demonstrated to be non-hazardous waste. The *Approval* is for a Plan of Operations based on proposed operational schedule of a single 8-hour shift between 8:00 am to 5:00 pm, Monday through Friday. Storage of waste panels on-site is limited to 63 tons for a rolling 7-day average. Changes to the operating schedule, maximum proposed processing rates, storage capacity of 63 tons per 7-day average, and/or other changes to the Plan of Operations will require a modification of the *Approval* pursuant to NAC 444.74747.

This *Approval* does not convey property rights of any sort or any exclusive privilege. This *Approval* does not authorize storage or treatment of any hazardous waste for which a permit is required in accordance with 40 CFR 270 as adopted by NAC 444.8632 through 444.8634, inclusive. Comstock is responsible for the proper management of all incoming and on-site generated waste streams in accordance with applicable local, state, and federal regulations. Additionally, Comstock must obtain all applicable local permits (e.g. business license, special use permit, health department permit, air quality permit, fire department permit, etc.) as may be required for the facility to operate in the municipal or county jurisdiction.

This *Approval* is based on the assumption that the information submitted in the MRF Application is accurate and that the facility will be operated as specified in the application. Any inaccuracies found in the submitted information may be grounds for revocation, suspension, or modification

of this *Approval* and/or cause for the NDEP to initiate formal enforcement action. Comstock must notify the NDEP-BSMM of any changes or deviation from the information provided in the MRF Application. Comstock shall ensure that the MRF Application on record with the NDEP-BSMM properly reflects the current operations at the 600 Lake Avenue Facility at all times by prompt submittal to the NDEP-BSMM of any revised sections or pages for the MRF Application.

Financial Assurance according to the requirements of NAC 444.74775 must be in place throughout the operating life of the facility. Financial Assurance shall be updated annually and cover the costs for a clean closure of the facility under a worst-case scenario.

This *Approval* shall allow for the NDEP-BSMM, and/or authorized representatives, upon the presentation of credentials, to enter and conduct inspections of the premises at reasonable times. Inspections may include, and are not limited to:

- a. Entering the premises associated with this *Approval* where a regulated facility or activity is located or conducted or where records are kept per the conditions of this *Approval*;
- b. Have access to and copy any records that must be kept per the conditions of this *Approval*;
- c. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this *Approval*; and
- d. Sample or monitor for any substance or parameter at any location for the purposes of assuring regulatory compliance.

This *Approval* shall remain in effect until such time that it is modified and reissued, terminated, suspended, or revoked by the NDEP-BSMM. The NDEP-BSMM reserves the authority to review and modify this approval at any time.

In addition to maintaining compliance with the state and federal regulations and the information provided in the MRF Application, Comstock shall provide to the NDEP-BSMM the following:

**SCHEDULE OF COMPLIANCE (SOC)**

	<b>Task</b>	<b>Date Due</b>
1	<b>Submit</b> a revised Closure Plan for approval by the NDEP-BSMM based on a worst-case scenario for an unexpected closure of the facility. The revised estimate shall be provided as an update to Appendix F of the MRF Application.	Within thirty (30) days of issuance of this <i>Approval</i> (March 7, 2024)
2	<b>Submit</b> documentation of an acceptable financial assurance instrument in the amount of the facility closure cost estimate as provided in Appendix F of the MRF Application.	Within thirty (30) days of acceptance of Task 1
3	<b>Submit</b> documentation that the facility closure plan and closure cost estimate have been properly updated for any changes at the facility; and that the financial assurance instrument has been adjusted for those changes and/or annual inflation factors.	Annually, thereafter from the date of Task 2 above

4	<b>Submit</b> proof of distribution and acceptance of the Contingency Plan and updates with local authorities and attempts to familiarize local authorities with the facility.	Within thirty (30) days of receiving this <i>Approval</i> and as appropriate (March 7, 2024)
5	<b>Submit</b> an updated sampling plan to the NDEP-BSMM for review and approval. The updated plan shall address the characterizing of solar panels, sampling for the characterization, and a list of panels that have been characterized as non-hazardous for processing. Provide initial sampling data to NDEP-BSMM.	Within ninety (90) days of receiving this <i>Approval</i>
6	<b>Submit</b> an updated Waste Acceptance Plan (Appendix C of the Application) based on the results of the data collected under Task 5 for NDEP-BSMM review and acceptance.	Within thirty (30) days of the completion of Task 5
7	<b>Submit</b> an updated list of solar panels (manufacture, model, type) when new panels are added to the processing Waste Acceptance Plan. Include updated sampling results for verification of appropriate characterization of the panels.	March 1 <sup>st</sup> of every year and as appropriate
8	<b>Submit</b> an initial report to the NDEP-BSMM detailing the various process material streams created during solar panel processing. The report shall detail what will happen to each of the various streams. Updates shall be submitted to the NDEP-BSSM outside of the Annual Report (Task 10) if there are major changes to the initial report (i.e. a saleable waste stream becomes a landfilled waste stream).	Within ninety (90) days of receiving this <i>Approval</i> and as appropriate (May 6, 2024)
9	<b>Submit</b> a P.E. Certified Integrity Assessment of the solar panel processing equipment.	Within sixty (60) days of starting operations
10	<b>Submit</b> an Annual Report summarizing the amount of waste received at the facility in the prior year, and the resulting amounts of materials recovered and associated waste shipped from the facility in that year by respective product/waste type. Include sampling data associated with Task 5.	March 1 <sup>st</sup> of every year
11	<b>Submit</b> an updated application for re-evaluation and continuing approval of the facility.	Twenty-four (24) months after receiving this <i>Approval</i> (February 5, 2026)
12	<b>Notify</b> the NDEP by telephone (775.687.9485) or online to the NDEP Spill Hotline ( <a href="https://nevadaenvironmentalactivities.ndep.nv.gov/Spill/ReportForm.aspx">https://nevadaenvironmentalactivities.ndep.nv.gov/Spill/ReportForm.aspx</a> ) of any fire, incident, release at the facility, or any event in which the contingency plan is enacted, as prescribed by the NDEP-BSMM. <b>Submit</b> a written report within fifteen (15) calendar days of the incident.	Within twenty-four (24) hours of the incident

13	<b>Submit</b> any other information, as required by the Division, to support continued maintenance of this <i>Approval</i>	When requested, Date to be determined
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Please contact Jonathan Zittel by phone at 775.687.9465 or by email at [jzittel@ndep.nv.gov](mailto:jzittel@ndep.nv.gov) with any questions regarding this *Approval*.

Respectfully,



Annalyn Settlemeyer  
Chief- Bureau of Sustainable Materials Management  
Nevada Division of Environmental Protection

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